

JUSTIFICATION FOR EXTENSION OF AUTHORITY FOR RADIO STATION KMRI TO REMAIN SILENT

The antenna tower of AM radio broadcast station KMRI in West Valley City, Utah, licensed to AASAA Media, LLC, collapsed in an earthquake on March 18, 2020. A few days later, on March 26, 2020, Judge Matthew Bates of the Third Judicial District Court of Utah appointed me, Jacob Hibbard, as Receiver to assume control over the affairs of the licensee LLC, subject to FCC consent. The requisite FCC consent was granted the next month, and I immediately attempted to assert control over the operation and facilities, which was continuing to disseminate its programming via the internet.

Astoundingly, however, the owner of AASAA Media (Nicolas Vicente), ignored not only my communications but also the Court's Order of March 26. He secreted the station's studio equipment, and refused to turn over to me any records, bank accounts, contracts, furniture or other assets associated with KMRI. Nevertheless, I proceeded with the auction sale of the station license, pursuant to the Court's Sale Order of June 5, 2020, and the sale was held on July 17, with Barry Wood, the station's senior secured creditor, being the successful bidder.

Shortly thereafter, Mr. Vicente filed a petition in the name of AASAA Media LLC for protection under Chapter 11 of the US Bankruptcy Code, even though the FCC no longer recognized him as holding any power to control the company. Because of the "automatic stay" under the Bankruptcy Code, the bankruptcy filing stopped Mr. Wood and me from moving forward with any actions in furtherance of the District Court's orders, including (inter alia) the submission of the application for assignment of the station license to the purchaser at the auction sale, and all efforts to secure possession and control of the station's bank account, contracts, studio equipment and furniture, etc.

In the bankruptcy case, Mr. Vicente and his new alleged Co-Manager Morgan Skinner pursued a course of "reorganization" of the LLC under which, upon approval of a Plan of Reorganization by the Bankruptcy Court, the auction sale of the license would be undone and AASAA Media would partner with a broadcaster from Washington state to revive the operation of the station, making all creditors wait for an indefinite time for relief. Unfortunately, within a month of the bankruptcy filing, Mr. Vicente succumbed to Covid19. Thereupon, Mr. Skinner asserted the right to run the LLC as sole Manager, notwithstanding the lack of FCC approval for any such change. But a few weeks later, Lesta Simmons of the Decisis Law Firm (counsel for the supposedly bankrupt LLC) informed the Court that Mr. Skinner had been replaced as Manager by one Jorge Alvarez Copado. Ms. Simmons claimed that Jorge Alvarez Copado, in conjunction with Luis Alvarez Copado, Jose Soto and Amigos Insurance Group, Inc., controlled 80% of the

LCC even though the FCC had never been informed of such transfer of control, much less approved it. While my efforts and those of Mr. Wood to resolve the problems of KMRI were stymied by the bankruptcy case's automatic stay, the Decisis Law Firm entered the District Court case with a Motion to Vacate the \$317,000 judgment that the District Court had awarded to Mr. Wood in April, to reverse my appointment as Receiver; and indeed to void the entire foreclosure case.

Along with Mr. Wood, I moved for dismissal of the bankruptcy case based on its apparent bad faith and because, in the wake of the transfer of control of the LLC to me as Receiver, neither Mr. Vicente, Mr. Skinner nor Mr. Copado had the legal ability to pursue a bankruptcy reorganization in the name of the LLC. The motion to dismiss was due to be heard by the Court in late October, at the same time as the objections filed by the United States Trustee and others to the motion of the Decisis Law Firm to be approved as counsel for the bankruptcy estate.

In the face of allegations that bankruptcy counsel had lied to the Court, the Decisis Law Firm agreed to seek dismissal of the bankruptcy case. The Court promptly granted the dismissal request, and the application for assignment of the KMRI license to the purchaser was submitted to the FCC immediately thereafter.

Despite the dismissal of the bankruptcy case, the Decisis Law Firm continued to press for reversal of everything that had happened in the District Court case, including vacation of the judgment that had been entered by the District Court last April against AASAA Media LLC. That Motion was due to be heard by the Court in December, but due to the Covid19 Pandemic, the hearing was put off to February 19, 2021.

Meanwhile, on December 2, 2020, Lesta Simmons of the Decisis Law Firm filed a petition to deny the assignment application (ostensibly on behalf of the licensee, but without having been hired by Mr. Hibbard as the party legally in control of the license). As a result, the assignment application is still pending.

Under the current circumstances, where most of the assets of Station KMRI were (and continue to be) concealed or withheld from the Receiver, he has no resources with which to rebuild the station's antenna tower or otherwise restore the station's operations, and the proposed assignee currently lacks FCC approval to take the station over and move forward. Accordingly, an extension of the silent STA for this station is warranted.